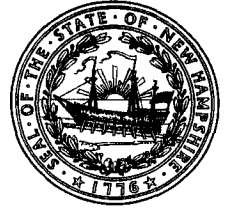




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

Mr. Steven P. Sicard  
P.O. Box 312  
Hampton Falls, NH 03844

Re: Septic System Installer Permit #2354

**NOTICE OF PROPOSED  
LICENSE ACTION  
No. 05-004**

November 14, 2005

**I. INTRODUCTION**

This Notice of Proposed License Action is issued by the Department of Environmental Services, Water Division to Steven P. Sicard, pursuant to RSA 541-A:30 and RSA 485-A:36, I and Env-Ws 1004.19. The Division is proposing that the Department of Environmental Services ("DES") revoke the septic systems installer's permit held by Steven P. Sicard, based on the violations alleged below. **This notice contains important procedural information. Please read the entire notice carefully.**

**II. PARTIES**

1. The Department of Environmental Services, Water Division ("the Division") is an administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Steven P. Sicard is an individual having a mailing address of Post Office Box 312, Hampton Falls, NH 03844.

**III. SUMMARY OF FACTS AND LAW SUPPORTING PROPOSED ACTION**

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual sewage disposal systems ("septic systems"). Pursuant to rulemaking authority conferred therein, the Commissioner of DES has adopted Env-Ws 1000 to implement this program.
2. DES issued septic system installer's permit number #2354 dated June 19, 1987 ("the Permit") to Steven P. Sicard, to permit Mr. Sicard to install state-approved individual septic systems on property located in the state of New Hampshire.
3. RSA 485-A:29, I and Env-Ws 1004.06(a) require that individual septic systems be installed in strict accordance with approved plans, and are not to be covered or placed in operation without final inspection and approval by an authorized agent of DES.

4. Env-Ws 1003.10(h) through (l) governs the replacement and repair of existing septic systems. Env-Ws 1003.10(j) requires submission of a repair/replacement questionnaire upon the in-kind replacement of a residential septic system.
5. On August 22, 2003, DES issued construction approval CA2003055629 to allow for installation of a new septic system on property located at 12 Pine Road, North Hampton, New Hampshire ("the Property").
6. The Property is owned by June Labbe, of 1002 Richard Drive, The Villages, Florida.
7. The septic system design, approved by DES for the Property, was submitted by Peter Landry, licensed designer #984.
8. According to Ms. Labbe, on November 8, 2004, Steven Sicard installed the approved septic system on the Property.
9. The Division has no record of Mr. Sicard requesting inspection of the installation of the septic system on the Property by an authorized agent of DES.
10. Mr. Sicard apparently prepared a Repair/Replacement questionnaire for the new system installed on the Property. He gave a copy of a completed questionnaire to the owner of the Property, June Labbe. Mr. Sicard never filed any paperwork concerning the septic system installation with the Division, directly.
11. On the repair/replacement questionnaire, received from the Property owner by the Division on August 12, 2005, Mr. Sicard states that he installed the newly approved system.
12. Env-Ws 1003.10(i) requires that test pits be performed by a licensed septic designer, and that the test pit results be included in the questionnaire.
13. Typically, the licensed septic designer will stamp the repair/replacement questionnaire to show that he/she in fact constructed the test pits.
14. It appears from the repair/replacement questionnaire, that Mr. Sicard placed a copy of the inked stamp of a licensed septic designer on the questionnaire. It appears from the document that Mr. Sicard erased the name of the licensed designer and wrote in the name of the Division's regional inspector for the North Hampton area.
15. The Division's regional inspector, Jay Baas, is an inactive licensed designer, and does not stamp plans as a licensed designer.

16. Jay Baas did not stamp the repair/replacement questionnaire provided to the Property owner, dated November 8, 2004; nor did he inspect the system installed on the Property at any time.

17. Mr. Sicard has been contacted numerous times by telephone and letter, requesting that he meet with Division personnel to explain the document, and his failure to call for an inspection. Mr. Sicard has failed to respond to any contacts by the Division.

#### IV. VIOLATIONS ALLEGED

1. Steven P. Sicard has violated RSA 485-A:29, I and Env-Ws 1006.04(a) by failing to contact DES for an inspection of an approved septic system prior to covering the system.

2. Steven P. Sicard has violated RSA 485-A:36 in that the apparent fraudulent use of a septic designer's seal on an official document constitutes just cause to suspend, revoke or refuse to renew his license as a septic system installer.

#### V. PROPOSED ACTION

1. Based on the violations identified in Section IV, above, the Division proposes that DES revoke the Permit.

2. Based on the violations identified in Section IV, above, the Division intends to refuse to renew the Permit if not revoked by December 31, 2005.

#### VI. HEARING, RESPONSE, PROPOSED SETTLEMENT

Steven P. Sicard has the right to a hearing to contest these allegations before the proposed license action is taken. The hearing would be a formal adjudicative proceeding pursuant to RSA 541-A:31, at which Steven P. Sicard and any witnesses Steven P. Sicard may call would have the opportunity to present testimony and evidence as to why the proposed action should not be taken. All testimony at the hearing would be under oath and would be subject to cross examination. If Steven P. Sicard wishes to have a hearing, one will be scheduled promptly.

RSA 541-A:31, III(e) provides that Steven P. Sicard has the right to have an attorney present to represent Steven P. Sicard at Steven P. Sicard's expense. If the Permit is an occupational license, under RSA 541-A:31, III(f) Steven P. Sicard has the right to request DES to provide a certified shorthand court reporter at Steven P. Sicard's expense. **Such request must be submitted in writing at least 10 days prior to the proceeding.**

Steven P. Sicard may waive his right to a hearing. If Steven P. Sicard waives the hearing, DES is prepared to revoke Mr. Sicard's septic installer's license. Steven P. Sicard should notify DES of its decision by filling out and returning the enclosed form by December 19, 2005.

Anyone having questions regarding this matter should contact Richard J. de Seve,  
Compliance Supervisor, DES Subsurface Systems Bureau, (603) 271-3442.

**COPY**  
Harry R. Stewart, P.E., Director  
DES Water Division

cc: Board of Selectmen, Town of North Hampton  
Gretchen Hamel, DES Legal Unit Administrator  
Richard J. de Seve, DES Water Division  
J. Labbe  
P. Landry

**RETURN THIS PAGE ONLY BY December 19, 2005**

**APPEARANCE**

\_\_\_\_ I desire a hearing in accordance with Env-C 200 regarding the Permit.

Name: \_\_\_\_\_  
(Please type or print legibly)

Title: \_\_\_\_\_  
(Please type or print legibly)

Signature \_\_\_\_\_

Date: \_\_\_\_\_

**WAIVER OF HEARING**

\_\_\_\_ I certify that I understand my right to a hearing regarding the revocation of the Permit and that I hereby waive that right. I understand that DES may revoke my septic installer's license, Permit #2354, and I consent to that action.

Name: \_\_\_\_\_  
(Please type or print legibly)

Title: \_\_\_\_\_  
(Please type or print legibly)

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Please return to: DES Legal Unit  
Attn: Michael Sclafani  
P.O. Box 95  
Concord, NH 03302-0095